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LETTER

OF

HON. LEVI WOODBURY,

ON

THE ANNEXATION OF TEXAS.

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# *Annexation of Texas,*

## LETTER.

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BRENTSVILLE, MAY 9, 1844.

In discharge of the duty imposed upon us by the second resolution of the annexed proceedings, we take the liberty of calling upon you for your views in regard to the annexation of Texas. We deem it unnecessary to trouble you further, for our opinions on all other leading measures of the day are favorably known to the Democratic. The shortness of the time allowed us for the foregoing resolution will be our apology for not requesting of you an immediate answer to the foregoing resolution.

Very respectfully,

J. H. REID,  
P. D. LIPSCOMB,  
J. B. T. THORNTON,  
D. JASPER,  
Committee.

LEVI WOODBURY.

WASHINGTON, MAY 11, 1844.

GENTLEMEN: Your letter of the 9th inst. has been received, stating that a public meeting had been held in Prince William county, Virginia, at which a resolution was passed to ascertain "views in regard to the annexation of Texas." As the meeting is to convene again on the 18th inst. you request an immediate answer on that subject, for the purpose of laying it before those who may assemble on that occasion.

Accordingly, though such an answer must be imperfect, from want of time, and though general impressions in relation to this subject have been communicated to the public in December last, as the state of the question may appear to have materially altered since, and you request further explanations, I hasten to give a summary of my views on the case, as it now stands before the community.

After a careful examination of facts and principles, we have formed a conscientious conviction that the immediate annexation of Texas to the United States is proper. The reasons which had most weight in bringing me to this conclusion are as follows:

Because the territory of Texas lies so near to the mouth of the Western waters, and so close to the mouth of the Mississippi on the Gulf of Mexico, and the emporium of Western commerce at New Orleans, as to be very important, if not vital to their security, in the event

of war. And its possession by us would at all times contribute essentially to protect an exposed frontier from the torch and scalping-knife of Indian outrage, enabling us much more effectually to hold in check the aborigines near, whether within or without our present boundaries, whenever they may be stirred up under that foreign influence which has too often heretofore stimulated that ferocious race to drench our borders in blood.

Because the obligation on us thus to procure security and tranquillity to the industry and trade of the whole Mississippi valley, embracing over a million square miles, and nine millions of people, is national and not sectional, and deeply involves the interests as well as the affections and happiness of their kindred in the East, and every other portion of our fraternal Government. It is an obligation stronger and more solemn, if possible, than that was half a century ago to procure the freedom of their trade through the free navigation of the Mississippi river—an object which, after our independence was achieved, long agitated the anxious councils of the fathers of the Revolution; and, considering its momentous importance, not only then, but in the growing future, was at last cheaply purchased at the expense of millions by buying Louisiana, and afterwards cheaply defended by the sacrifice of life and treasure on the plains of New Orleans.

Because this annexation would secure the West and Southwest against other disturbing causes: such as collisions in the navigation of some of our rivers, whose sources are now in possession of a foreign power, and the want of a large natural and striking barrier and boundary on the Southwest, between us and different governments, as well as different, if not hostile races; and annoying exposure to foreign aggressions on the property and domestic institutions of the South and Southwest; which property and institutions, however different from those in other sections, are such as they came into the Union with, and for half a century have remained with, under its sacred guaranties; and till changed by themselves, or the Union is dissolved, are entitled to, and especially, in the authority given by Congress in 1811, for the forcible occupation of Florida, received the same security as the institutions and property of the North.

Because the annexation of Texas, in its influ-



ence on all the great branches of industry, is not merely a Western or Southern question, but one deeply interesting to every quarter of our common country—whether it promotes that industry by opening to agriculture more fertile soils and genial climates, or by forming a wider home market for manufactures, or by furnishing new articles of commerce, and new bays and rivers for the free navigation of Western steamers, as well as coasting and freighting vessels from the East.

And, finally, because by this annexation we should not only restore to the Union a territory thus desirable, but one bought in 1803 by our own treasure—defended in 1815 by our own arms—and though ceded away in 1819, yet its consent was not asked to the measure, and therefore it seems still entitled, by the express obligation of the original treaty, to be admitted into the Union, and to enjoy all its privileges and rights. A territory which has never united with any other country, except as a part of an independent State in the Confederacy of Mexico; and when that Confederacy was dissolved by the oppressions and usurpations of Santa Anna, re-asserted its rights as an independent Government, and has since successfully maintained those rights, “with the lives, the fortunes, and the sacred honor,” of its people; and, by the common origin of most of them with ourselves, no less than their common education, religion, form of government, and social institutions, as well as Saxon blood, beside their contiguous residence and claims under former treaties, they are better suited to unite with us than any other power. For reasons like these, as they are now desirous of annexation, which delays may endanger, if not defeat, through disappointment and foreign interference, it ought, in my opinion, to be sanctioned; and if an end is ever to be made of predatory and uncivilized marauding, or of intrigue and entanglement by other foreign powers, it would seem wise, as well as humane, to do it forthwith; or, in the language of him who has so long lived in the hearts of our people, at the “present golden moment.”

But I am aware that several objections have been urged against the annexation of Texas; and as some of them come from gentlemen long and highly appreciated, and with whom a difference of opinion on so interesting a topic is much regretted, it is due to them and the occasion that I should explain my views generally on such of these objections as seem to be most prominent.

1. The annexation is opposed by some, on the ground that it will make our territory too large; but experience has evinced that a representative republic can, with convenience and efficiency, extend over limits far wider than from the St. Croix to the Rio del Norte. Indeed, by the aid of railroads and steam, the Union, with Texas included, will be far more accessible in all its parts, either for business or government, than it was at the Revolution with only thirteen States, and those all situated on the narrow belt of the

eastern declivity of the Alleghanies. And t objection, if tenable, should have been urged and prevailed, before we purchased either Louisiana or the Floridas.

2. The annexation has been opposed, as inclining the balance of political power in our system too much in favor of the West and South. But the same course of reasoning would strip of all our great domain on the Pacific ocean—country never to be surrendered while an American whaler visits its waters, or an American emigrant chooses to fish, hunt, or plant on banks of the Columbia. It would also, from apprehensions as to the balance of power in North, prevent any future peaceable annexation of the Canadas, so ardently contemplated by fathers from the commencement of the Revolution; and it would heretofore have defeated purchase of the Floridas by Mr. Monroe, and Louisiana, including Texas, by Mr. Jefferson, and would not only cast censure on them, their venerable coadjutors, for thus deranging balance of power then, but would add reproach on Messrs. Adams and Clay for attempting to gain Texas in 1825 and 1827, and on Gen. Jackson and Mr. Van Buren for a like attempt in 1829; and, what is still worse, by this course of reasoning, for seeking, as was done in 1812 by General Jackson and Mr. Forsyth, to obtain vast tract of additional country still farther south and west, from the forty-second degree of latitude to the thirty seventh, and stretching towards setting sun over that degree across the entire continent. But, in truth, the durable interests of whole Union are believed to have been looked on those occasions as now; and the theoretical balance of power, if adverted to at all, can neither endanger the practical workings of our system which will always be most attractive, strong and most flourishing, where freest—unless liberty and progress are mere phantoms of the imagination—and will always produce greatest harmony when least influenced by any sectional jealousies or local prejudices.

3. The annexation has been deprecated some as likely to cause disunion, when its ultimate object is to secure the great interests and compromises of the Union; and when such may be its consequences, and perpetuate that Union. I trust, forever, unless thwarted by a disregard of plighted faith, and by fanatical violations of the solemn compromises.

4. It is opposed by others on account of badness of some of the reasons assigned for it, if a good measure ought to be rejected because any one may please to urge some weak reason for it. By others, because a few of its advocates are suspected of being interested in the question as if that could impair the usefulness of the annexation itself, or was not always an incident in almost every question of great magnitude. By others still, because the auspices under which the measure is now proposed are disliked; and the necessity or value of a gift or purchase

pendent upon the character of the agents employed.

5. It is resisted by many for the reason that slavery exists in Texas. That is an institution, to be sure, which most people, born at the North, are, like myself, averse to. But those who respect the Constitution and the Union remember that it is an institution which our parent country, before the Revolution, forced upon both the North and the South; which, after being more deeply interwoven through the social and political systems of the latter, the rest of the States did not hesitate to confederate with her in fighting the battles of Independence; nor to counsel with her heroes, patriots, and statesmen, in forming the present Constitution; nor to associate with them in carrying out its great destinies; nor in guaranteeing their property and rights in common with the rest, then and during the half century since, in peace and war, and in weal or woe.

However deprecated by many of us, we know that none can legally abolish the institution but those who possess it; and that while this has already been done since the Revolution by nearly half of the old States, it may continue, to be done by Texas herself, as well as others, sooner or later, when their sense of duty and safety may permit it, if left tranquilly to the exercise of their own rights. What effect the annexation of Texas will really have on this measure, seems to be doubted by some of its opponents, among whom the most distinguished thinks it will add more free than slave States. But however that may be, the friends of annexation believe that, while a rejection of it must leave the institution of slavery just as it is, without mitigation, the acceptance of it cannot add to the whole number of slaves now in Texas and the United States together; and, if dispersing that number over a wider space, will gradually tend to make their freedom less expensive and more easy in any one State; or, if concentrating them further South than now, will render voluntary emancipation more Northwardly still speedier and safer. Whether such considerations have preponderated before in overcoming this objection with many of our most eminent friends of liberty and philanthropy, I know not; but certain it is, that it did not prevent Mr. Jefferson and his Northern Democratic friends from purchasing Louisiana, including Texas herself, in 1803; nor Florida from being bought by Messrs. Monroe and Adams in 1819; nor Texas again from being negotiated for by Messrs. Adams and Clay in 1825 and 1827; and by General Jackson and Mr. Van Buren in the summer of 1829—the decree of Mexico for abolishing slavery in her possessions not being issued till September 15, 1829. I will only add, in order to avoid misapprehension, that so far from feeling opposed to the termination of slavery by all legal, safe, and constitutional means, none could rejoice more heartily than myself to see it thus ended the world over; and among the whites, as well as blacks; among the disfranchised, the serfs

and paupers of Europe, and even the dark Hindoos, as well as the sable sons of Africa; not confining my sympathies to color or name, but to real suffering and degradation among the whole human race, and to their relief, by introducing gradually a superior state of intelligence, religion, and rights, rather than by a rash crusade against law and order, and the public peace.

6. The annexation is disapproved by others, because considered unconstitutional. But as the provision for introducing new States was altered in its progress through the convention, so as to leave the language broad enough to include territory without, as well as within, our original limits; and as the admission of Louisiana, Arkansas, and Missouri since into the Union, though not embraced within our old boundaries, besides the purchases of Florida and Louisiana as territories have taken place, this question should be regarded as officially settled in favor of annexation.

In reply to some objections which have been urged against the admission of the whole territory of any State, rather than a part, and of its sovereignty, as well as territory, the principles involved in the above decisions and the language of the Constitution and the precedents are all broad enough to include the whole—and they thus accord with what is the constant usage of other Confederacies, both in Europe and South America. Nor is any sanction to such admission required under our Constitution, and the principles of public law, except the consent of those ceded on the one hand; and on the other, that of Congress, by proper laws and treaties. And if the people and the independent Republic of Texas are, for this reason, not as competent to unite with us entirely, as they are to cede only a part of their territory, then the absurdity would seem to follow, that they never can be competent for admission into the Union, though recognised by Mexico, and no shadow of war existing, till they become qualified by abandoning their independence, repudiating republicanism, and as a servile dependency or reconquest of the monarchs of Spain or Mexico, be sold merely as a portion of their territory to the United States.

Lastly, this measure is opposed by some from fear that such a step will subject us to a war with Mexico, or some other foreign power.

But the right of Texas to cede, and the right of the United States to accept, her territory, and admit it into the Union, without producing any exposure to a just war from any quarter, is, in my opinion, clear.

In the purchase of Louisiana, we obtained within her limits Texas, as certainly as we obtained "the island of New Orleans," according to the opinions of such jurists and diplomatists as Jefferson, Madison, Monroe, Livingston, Clay, and even Adams, in 1818; and, as since developed, of Don Onís himself, if not of the Spanish Government. But we having ceded it away by a treaty ratified in 1820, the revolution from that year until 1824 breaking out, and



ripening in all the Spanish provinces west of us, each acted and made constitutions for itself, like ourselves after 1776, as independent States. Texas and Coahuila making one for themselves, joined the Mexican Confederacy in 1824 as an independent State; remained faithful to it till dissolved ten years after by the usurpations of Santa Anna; refused, as was their right, to unite in his new consolidated Government, built upon the ruins of the former Confederacy; and has remained and acted since as she began, an independent sovereignty. What duty then to Mexico has she violated? The wrong is on the other side. Where is the justice for Mexico now to hold, or now to rule her? And more especially on the principles now set up by Mexico, when twelve years before the latter was recognised by Spain as independent, Texas had established her own Constitution, and two years before that event had separated entirely from the Mexican Confederacy.

But if this view of the case should appear in any respect objectionable, there is another, which shows the annexation to be proper and just.

As we purchased Texas in 1803, within the limits of Louisiana, and then engaged by treaty to admit her into the Union "as soon as possible," consistent with the principles of the Constitution, and to allow to her inhabitants all the rights and immunities of citizens, how could we rid ourselves of that engagement, without first getting the consent of France, with whom the treaty was made, or of Texas, which was the party more immediately to enjoy those benefits? Yet, without asking the consent of either, we unadvisedly, in 1819, undertook to cede Texas to Spain. This cession, being without authority, seems in law to have been imperfect or inoperative, and Texas to remain still possessed of a right, which she now virtually asks, to enter the Union, and to have conferred on her people all the privileges which the original treaty promised. In this aspect of the case, if we would not violate good faith and the sanctity of treaties, we ought to execute the stipulation first made, by now admitting her; and if any injury should result therefrom to Spain or Mexico, under the provisions of subsequent treaties not being able to be longer fulfilled, the amount of damage ought to be paid to those who suffer. But when it is recollected that we have never guaranteed the integrity of the territories of either of them, and the very defective title, if any, which either retains over Texas, there could not be great difficulty in estimating this damage.

So far as regards war on this account, the just cause for one seems to be on the part of France or Texas, if we do not re-annex the latter, rather than on the part of Mexico if we do. The solemnity and inviolability of the treaty of 1803 must be quite as great as that of either 1819, 1828, or any other more recent.

But, finally, supposing that both these views of the subject are untenable; and, for the sake of

argument, indulging a moment in the idea that Texas was not embraced within the limits of Louisiana, or, if so, was legally ceded to Spain, and afterwards became an integral part of the Mexican empire—had she not, when the terms of her confederacy with that Government became wantonly violated, her citizens imprisoned, and her privileges outraged—had she not a right to assert and maintain her independence? Would she not have been false to her American blood, not to have done it on the field of San Jacinto, as well as down to the present moment?

She has done it, too, in such manner and form, no less than substance, as in my apprehension justifies other nations in treating her as a *de jure* as well as *de facto* government, and competent, under the principles of popular liberty and the soundest international law in both hemispheres, to cede her territory or unite her government to another, without giving just cause of war to any power.

What are the common sense tests on this subject? If size of territory, she is as big as France, and as large as any four of our own States. If population, she has one ranging by different estimates from two to three hundred thousand people of all kinds. If a regular constitution of government and code of laws, she has both. If a uniform administration of justice and the rights of conscience secured to all, rather than the protection of the Catholic religion alone, as in Mexico, she enjoys them. She has troops and ships of war. She has had her independence acknowledged by the United States, by Great Britain, France, and, indeed, all the great powers of Christendom, not under the sway of the Holy Alliance; and she has treaties of commerce and international agents with most of them. Scarce a hostile foot, even from Mexico, profaned her soil from 1836, when Santa Anna publicly stipulated with her to end the war, to 1842. And the predatory incursions since, in breach of his solemn compact, and in a manner violating the rules of civilized warfare, have never secured a lodgment within her boundaries for a single month at a time. No towers, castles, or counties, have there been held by her old enemy in doubtful or divided empire. Her revolution is not in embryo, but full grown. Not going on by preparatory steps, but finished—stable. Not distracted by rival constitutions, rival chieftains, and rival armies, such as long desolated many Spanish provinces, but domestic harmony and peace reign throughout. Their prisons are not filled with political victims. Order, and law, and the rights of property are respected; and neither taste, nor education, nor sympathies of any kind are lingering round their former government, and smoothing the way to the remotest thought at reconciliation. Under this condition of things, how properly have the United States, for some years, urged on Mexico, that the independence of Texas ought to be recognised by her, and no further hostilities waged? France and England have done the same; and the latter, since 1840,



has bound herself, by a treaty of mediation, to try to procure an abandonment of the claims of Mexico. What fears, then, ought to be entertained, after such advice from such nations, of our being involved in any justifiable war, by means of the annexation? But Texas has other qualities and characteristics of a nation, showing her competent to enter into any contract or arrangement with other nations, as fully as the oldest power of Europe. Besides having been for several years admitted, in all respects, into the great family of nations, she is liable for her own wrongs to them, and is held so, and not Mexico, as appears by her treaty of indemnity to us in 1838. She is authorized to seek redress for injuries to herself, and not Mexico for her; and she has, in this way, and by treaties binding her commerce, limits, soil, and jurisdiction, been much wider acknowledged, and longer in the independent government of herself, than had Bonaparte in France, when he sold Louisiana to us. Such, I admit, was not the position of her affairs when annexation was proposed and declined in 1837; but their affairs have made great strides since; and one unfortunate mistake with some, in the consideration of this topic, appears to be in not reflecting enough on the changes in her relations and national maturity and stability, made by the progress of time and events during the past seven years. It is manifest, that if a people have, by sound principles, a right to self-government, and, when oppressed, can, like the United States, properly revolt from England, or Mexico from Spain, or Texas from Mexico, and having declared their independence, do maintain it till they give as in this case all the usual indications among nations of manhood—discretion, power, justice, and order, the question of their *de jure* sovereignty thus becomes as clearly settled in respect to all third persons as their *de facto* sovereignty. The assent or acknowledgment of their old masters does not constitute the right, but merely admits it; as the minors or apprentices, claiming to be adults and free, and acting as such, derive their rights from the facts of the case, whether acknowledged or not by those to whom they were once in subjection. The world must otherwise become divided into mere holy alliances, with all their monopolizing dogmas on the one hand, and no the other, only such as they consider mere rebels, pirates, and banditti; breaking up in this way all reform or progress, and yielding to the claim of the divine right of kings over all the human race, till voluntarily relinquished. The war of opinion on this question was settled in favor of the people, after sixty years of desolation and carnage on the plains of Holland; again at Lexington, Saratoga, Yorktown; again in Europe, after deluging France in blood; and again and again on both slopes of the Andes, as well as in Mexico herself, on a basis never again to be shaken in the New World. The American side of this question, rather than the British side, or the side of any of the despoticisms of the Old World, must be

considered as adopted here forever. What other conclusions could have influenced both Mexico and our Government in 1825, when we applied to her to sell Texas to us, without asking any assent by Spain, or getting her engagement not to make war upon us? and this, though Mexico had not then maintained her independence near so long as Texas now? and though Spain was still engaged in actual hostilities with her, and occupying a fortress considered the key and Gibraltar of Mexico? and though Spain never recognised her independence till eleven years after? On what principle could we make, or Mexico receive, the application which would not justify still stronger the present annexation of Texas? On what principle; but this, could we apply again to buy, in 1825 and 1829, without obtaining the consent or recognition of Spain first? But if some concede that we erred in making our negotiations in 1825 and 1829, it by no means follows that we err now. On the contrary, now, Texas, as before explained, has been much longer and wider acknowledged than Mexico was at that time; has more internal stability and peace, and is freer from actual or probable invasion; and her independent rights have become ripened fully into national manhood.

But some indulge in apprehensions that, as a war now exists between Texas and Mexico, or an armistice exists unexpired, we are in more danger of becoming involved in actual hostilities. Yet in 1825 Spain and Mexico were at war, and the former in actual possession of the most important fortress of the country; and in 1829 poured her troops into Mexico *in flagrante bello*. And that state of things was even urged by our Government as an additional inducement to Mexico alone to cede Texas, rather than regarding it, as would seem now, an insuperable obstacle to a proper cession without the consent of both belligerents. Unfortunately, also, for the force of this objection, no actual war now exists between Mexico and Texas. Indeed, no regular war of a civilized character has prevailed there for the last six years. At times there have been a paper war and marauding; and, to put an end to the irregular and occasional incursions that have sometimes happened during that period, an armistice has been proposed by Mexico, which being exceptionable in its terms, is reported never to have been ratified by Texas. So that the question (whether it may be aided by an armistice which admits a temporary peace, and in the case between Holland and Spain lasted twelve years, and was succeeded by a durable peace, or may be embarrassed by it, as some suppose, by its implying the existence of a previous war) is probably free from this difficulty; and if Texas is taken by us now, we take with her neither an existing war, nor probably any existing armistice.

At the same time, I am free to admit that, though actual hostilities do not now exist, and of course will not now be assumed by us if uniting with Texas, yet Mexico can obstinately per-

sist in claiming her allegiance forever—may refuse to recognise her independence for centuries, and threaten everlasting war. But before actually recommencing hostilities, she will be likely to look a little to public opinion and her true policy, under all the facts of the case, and will probably come to the conclusion, that a war, renewed after all the circumstances just recapitulated, can hardly be deemed a just war, or receive any countenance from the intelligence and civilization of the rest of the world. It is certainly preferable not to come in collision with any nation, under any pretensions, however ill founded, if they can be overcome by reasonable remonstrance or friendly solicitation. But if all these have been exhausted in vain by us and the leading powers of Europe, to persuade Mexico to recognise the independence of Texas, the safety of international intercourse and the claims of humanity will compel the rest of the world to perform their duties to others, and sustain their own national rights. And if war be threatened, or actually comes, it will be gratifying to reflect that it comes wrongfully, and might come so in any other difficulty—even for the mere acknowledgment of Texan independence, as was menaced by Spain in a like case, and by Santa Anna himself for still slighter reasons; as, when starting in 1836 to conquer Texas, he is said to have threatened that afterwards he would plant his victorious standard on the dome of our Capitol. But whatever nation,

heeding threats or exposure to unjust war, is tempted by the dread of them to turn aside from the path of duty, humanity, and honor, is itself unfit to exercise independent powers, and should be re-annexed to her ancient masters.

I shall not dwell on the reasons against any danger of war from other powers than Mexico, if the annexation is made. No other has any pretence to interfere, if inclined to; much less can we, without shame and degradation, allow such interference, after the declaration by Mr. Monroe, in 1823, against any new colonization from Europe on this continent, and its renewal under Mr. Adams's administration, and after sending a delegation to the Congress of Panama with a view, among other things, to organize *united* efforts against any such foreign interferences.

These are my general views on the topics of your inquiries. But in relation to the terms of any treaty or correspondence supposed to be now before the Senate, I give neither comment nor opinion; always holding my mind open to conviction on all official questions till the time for final action, and then adopting the convictions of my judgment on the whole case, unless otherwise instructed by the State I feel proud to represent. Respectfully,

LEVI WOODBURY.

To J. H. REID, L. D. LIPSCOMB, J. B. T. THORNTON, D. JASPER, esqs.